



U.S. Department
of Transportation

**Federal Highway
Administration**

Alaska Division

P.O. Box 21648
Juneau, Alaska 99802

March 12, 1996

HRW-AK
ENV-3

Nate Johnson
Statewide Environmental Coordinator
Alaska Department of Transportation & Public Facilities
3132 Channel Drive
Juneau, Alaska 99801

Dear Mr. Johnson:

NEPA Documents
Re-evaluation/Consultation

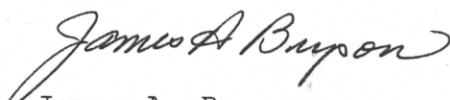
As you know, 23 CFR Section 771.129 requires consultation between our offices before requesting a major approval (i.e. Authority for final design, authority to acquire right-of-way, construction authorization) to establish whether or not the approved NEPA document remains valid. It also requires a written reevaluation of an EIS if a major action has not occurred within 3 years.

In order to ensure that the above requirements continue to be met, our office developed a procedure that was presented at the recent Statewide environmental coordinators meeting for consideration. It was the consensus of the group that the proposed procedure should be implemented. The final procedure is enclosed.

The enclosed procedure will apply to all Federal-aid projects except those on which the project has been categorically excluded under 23 CFR 771.117(c) or has been determined to be a categorical exclusion under our existing Programmatic Agreement. This procedure is effective immediately.

Sincerely yours,

Robert E. Ruby
Division Administrator


By: James A. Bryson
Realty/Environmental Officer

Enclosure

Procedure for Implementing NEPA Related Consultation/Re-evaluation

Consultation

At the time the Region environmental section is advised that a request for approval of a major activity is proposed a staff person will review the available information (i.e. Right-of-Way Plans, PS&E package, etc.) to establish whether or not the approved NEPA document remains valid. The staff member will then contact, by telephone, either the FHWA Field Engineer or the Realty/Environmental Officer to discuss the results of his/her review. If the conclusion is that the NEPA document remains valid the FHWA representative will provide concurrence. If the conclusion is that there has been a substantial change a decision regarding further appropriate actions will be determined. (Normally a written re-evaluation) After the telephone contact, the DOT staff person will prepare a log of contact for the file and forward a copy to the FHWA Division office. The date of the telephone contact will be considered the consultation date. FHWA approval for the phase of activity requested will not be given until after the consultation date.

Exception

When the requested approval is for final design, and the request is made within 6 months after the date of NEPA approval no consultation is required. This exception presumes no major changes have occurred and no significant new information is available.

Re-evaluation

While Federal regulations require written reevaluations only for EIS's our offices have agreed that all NEPA documents will be re-evaluated under the following circumstances:

1. Whenever major steps to advance the action have not occurred within 3 years. This includes steps in the NEPA process as well as subsequent phases of project activity.
2. Whenever changes in the scope or design of the project could result in revised conditions, or when new information concerning project effects is obtained.

The Regional environmental section will prepare a written re-evaluation of the project impacts to establish whether or not the approved NEPA document remains valid. The approved re-evaluation will be submitted to the FHWA division office for our concurrence. If the conclusion is that the document remains valid, upon our concurrence, the phase of project development under consideration may be submitted for approval. If the conclusion is that the document should be supplemented or a new document prepared, upon our concurrence, the necessary documentation may commence.